

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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The LRB discourages the use of the phrase “includes, but is not limited to,” because it is redundant. Using “includes,” in contrast to using “means,” denotes that what follows is only part of the whole. Patti Seger indicated to me, however, that it was imperative to use “includes, but is not limited to” in describing some of the behaviors that amount to “a serious incident,” because that was the agreement reached with the State Bar, due to the fact that some (or most) judges interpret “includes” to mean the entire universe of possibilities.

Patti and I also discussed the fact that the list of examples of what may be considered “a serious incident” is a bit problematic. I find the examples problematic because, for the most part, they do nothing more than describe “interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am)” so that you really wouldn’t need to specify “a serious incident” because *any* incident of interspousal battery or domestic abuse would be “a serious incident.” But, once again, the list of examples was part of the agreement with the State Bar.

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